

1 The Honorable Ricardo S. Martinez
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 LANDMARK TECHNOLOGY A, LLC,

13 Defendant.

14 NO. 2:21-cv-00728-RSM
15

STIPULATED MOTION AND
ORDER SETTING MOTION
BRIEFING SCHEDULE AND
ANSWER DEADLINE

NOTED ON MOTION CALENDAR:
FEBRUARY 2, 2022

STIPULATION

Plaintiff State of Washington (“State”) and Defendant Landmark Technology A, LLC (“Landmark”), through their counsel of record, respectfully submit this Stipulated Motion. The parties stipulate and jointly request that the Court enter a briefing schedule for Landmark to file its motion to dismiss as set forth in the attached proposed order. Good cause supports this Motion.

On May 13, 2021, the State filed its complaint against Landmark in King County Superior Court (Action). Dkt. No. 1, Ex. A. On June 2, 2021, Landmark removed the Action to this Court. Dkt. No. 1. On June 10, 2021, the State filed a motion seeking to remand the Action back to King County Superior Court. Dkt. No. 5. On June 18, 2021, the parties filed a Stipulated Motion to Stay Proceedings Pending Motion to Remand, Dkt. No. 6, and the Court issued an Order to Stay Proceedings Pending Motion to Remand, Dkt. No. 7.

STIPULATED MOTION SETTING MOTION
BRIEFING SCHEDULE AND ANSWER
DEADLINE - 1

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The State is filing contemporaneously with this Stipulated Motion a Notice to Withdraw Pending Motion to Remand pursuant to Local Rule 7(l). The parties conferred regarding Landmark's response to the State's Complaint and Landmark intends to file a motion to dismiss for failure to state a claim upon which relief can be granted. The parties agree and stipulate that Landmark's opening brief and any supporting materials shall be filed not later than March 4, 2022. The State's opposition brief and any supporting materials shall be filed on March 25, 2022. Landmark's reply and any supporting materials shall be filed by April 8, 2022. Landmark's motion to dismiss shall be noted for April 8, 2022. Good cause exists for this briefing schedule as it allows counsel for both parties to avoid conflicts with other commitments.

The parties further agree and stipulate that Landmark will file its answer, if necessary, no later than 21 days after the Court issues its ruling on Landmark's motion to dismiss.

DATED this 2nd day of February, 2022.

ROBERT W. FERGUSON
Attorney General

NEWMAN DU WORS LLP

s/ Aaron J. Fickes
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Attorneys for Defendant
Landmark Technology A, LLC

ORDER

This matter comes before the Court on the parties' Stipulated Motion Setting Motion Briefing Schedule and Answer Deadline (Stipulated Motion). After considering the parties' Stipulated Motion, the Court finds good cause and orders that:

1. Landmark shall file its motion to dismiss and any supporting material not later than March 4, 2022. The State's opposition and any supporting materials shall be filed on or before March 25, 2022. Landmark's reply and any supporting materials shall be filed by April 8, 2022.

2. Landmark shall file its answer, if necessary 21 days after the Court issues its ruling on Landmark's motion to dismiss.

IT IS SO ORDERED.

DATED this 7th day of February, 2022.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing to be served on the following parties via the following methods:

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- Legal Messenger
- First-Class Mail, Postage Prepaid
- Certified Mail, Receipt Requested
- Facsimile
- Email
- E-Service

*Atty. for Defendant Landmark
Technology A, LLC*

I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 2nd day of February, 2022, at Seattle, Washington.

s/ Aaron J. Fickes
AARON J. FICKES, WSBA #51584
Assistant Attorney General